

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

VICTORIA R. ZIMMERMAN,
on behalf of herself and
others similarly situated,

Plaintiff,

v.

ZWICKER & ASSOCIATES, P.C.,

Defendant.

Civil Action No. 09-CV-3905-RMB-JS

STIPULATION OF DISMISSAL

Plaintiff Victoria R. Zimmerman and Defendant Zwicker & Associates, P.C. hereby stipulate to dismiss this action with prejudice as to Plaintiff and without prejudice as to the rights of the unnamed putative class members.

Since the last phone conference with the Court the parties have conferred in an effort to address the concerns raised by the Court. In light of the class size, Defendant's net worth, and the statutory caps on class recovery, the parties have concluded that they cannot reach an agreement that would resolve those concerns. Therefore, the parties have agreed to settle on an individual basis only.

WHEREFORE, the Plaintiff and Defendant hereby stipulate to dismiss this case with prejudice as to Plaintiff and without prejudice as to the rights of the

unnamed putative class members. A proposed Order effectuating this Stipulation of Dismissal is attached hereto.

Dated: January 10, 2011

By:

/s/ Donald M. Doherty Jr.

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CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that on this day I filed the foregoing Stipulation of Dismissal with the Court via the ECF system and that all counsel of record were provided a true and correct copy through the Court's ECF system, with a courtesy copy of the said documents being served on the Hon. Joel Schneider via U.S. Mail, postage prepaid, on this 10th day of January, 2011:

A handwritten signature in black ink, appearing to read "V. Pallotto", is written over a horizontal line.

Virginia A. Pallotto, Esq.
BUDD LARNER, P.C.

PROPOSED ORDER

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ORDER DISMISSING CASE WITH PREJUDICE

In consideration of the parties' Stipulation of Dismissal, dated January 10, 2011, (attached hereto as Exhibit 1), the Court hereby grants the Stipulation and orders that the above-entitled and numbered action (together with all pending matters) is hereby dismissed with prejudice as to Plaintiff and without prejudice as to the rights of the unnamed putative class members. Plaintiff and Defendant shall bear their own costs. All other relief is denied. This is a final judgment.

So Ordered this ____ day of _____, 2011.

Honorable Joel Schneider